

INSPECTOR'S STATEMENT

(A) Event Violations (go to (B) if this is an obstruction to enforcement violation)

1. What harmful event was this regulation designed to prevent? (Insert the event listed on the Reference List and remember that the event is not the same as the violation.)

2. If the event has happened, describe it. If it has not happened, what would cause it to happen and how likely is that? (For example, if there is an area for which no sediment control is provided, has runoff from that area reached a stream? If it hasn't reached a stream, what would cause it to get there and how likely is that to happen?)

3. How much damage has already occurred as a result of the violation? Also, is the damage on the permit area or does it extend off the permit area?

4. How much damage might have occurred if the violation had not been discovered by an OSM inspector? Describe this potential damage. Would the damage extend off the permit area?

(B) Obstruction to Enforcement Violations (answer for obstruction violations only, such as violations concerning recordkeeping, monitoring, plans, and certifications)

5. Describe how violation of this regulation actually obstructed enforcement by OSM and/or the public. The plan was approved 6/80 to obtain necessary baseline monitoring data. Data was obtained until 12/81. Recently, the contractor for OSM mine plan review, requested 1982 data to assist his review. It is not available. Also, as no one is available at the mine to inspect or report on the adequacy of water pollution controls, the II. Degree of Fault (only one question applies to each violation; first decide which question to answer). Water quality reports could assist the Co. on maintaining compliance.

6. If you think this violation was not the fault of the operator (perhaps due to vandalism or an act of God, for example), explain. Remember that the permittee is considered responsible for the actions of all persons working on the minesite.

7. If you think this violation was the result of not knowing about OSM regulations, indifference to OSM regulations, or the result of lack of reasonable care, explain. When the mine was shut down, most contracts were cancelled including the contract with Vaughn Hansen for monitoring. NA Equities was not aware that the contract was canceled until DOBM contacted them in Feb 1983. Then we received a revised plan for temporary suspension. This was allegedly approved verbally by Dan Derby, but was not implemented. The 1980 plan was also not implemented though. NA Equities maintains they were awaiting formal approval of the revised plan.


8. If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

9. Was the operator in violation of a specific permit condition? Did the operator receive prior warning of violation by the State or by OSM concerning this violation? If so, give the dates and the type of warning.

III. Good Faith

10. In order to receive good faith for compliance with an NOV or CO, an operator must have taken extraordinary measures to comply as rapidly as possible. The violation must have been abated before the time set for abatement. If you think this applies, describe how rapid the compliance was and what extraordinary measures the operator took.

8/22/83
Date


Authorized Representative